

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 6858**

**BILL NUMBER:** SB 341

**DATE PREPARED:** Feb 21, 2002

**BILL AMENDED:** Feb 21, 2002

**SUBJECT:** Land Use.

**FISCAL ANALYST:** Valerie Ruda

**PHONE NUMBER:** 232-9867

**FUNDS AFFECTED:**      **GENERAL  
DEDICATED  
FEDERAL**

**IMPACT:** Local

**Summary of Legislation:** (Amended) This bill specifies that review of a land use decision of a legislative body or the board of zoning appeals by certiorari is initiated by filing a petition with the court. It sets forth the persons that a remonstrator must notify of the filing of a petition for writ of certiorari. The bill also provides that an adverse party is not required to be named as a party to the petition for writ of certiorari.

This bill eliminates the following two members of the Indianapolis metropolitan development commission: (1) a member appointed by the mayor, and (2) a member who represents township legislative bodies.

*Metropolitan Development Commission-* The bill repeals a provision requiring a consolidated city to create an advisory committee of citizens interested in problems of planning and zoning if the consolidated city prepares or revises a comprehensive plan for a township.

It also repeals a provision allowing a township in a county that contains a consolidated city to require that a plan commission hold a public hearing within the township before an amendment to a zoning map may be made.

*Other Plan Commissions-* The bill also provides that for certain plan commissions operating under a joinder agreement either a township trustee or a citizen member serves on the plan commission.

**Effective Date:** July 1, 2002.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** (Revised) This bill provides an additional specification of which

persons should be served notices by the county sheriff. County sheriff offices receive a \$3 fee for serving notices. If additional notices are required due to this provision of the bill, the county sheriff would likely be able to recover any expenses incurred in serving additional notices. The petitioner is responsible for paying the fee for delivery of notices by a sheriff.

The bill also provides that petitions for writ of certiorari are to be filed, rather than presented, to the court, and that adverse parties do not need to be named on the petition. These provisions do not have an impact on local expenditures.

*Metropolitan Development Commission-* This bill decreases the size of the Metropolitan Development Commission (Plan Commission) from 11 to 9 members. Additionally, the bill repeals the provision that requires the Plan Commission, in preparing or revising township comprehensive plans, to establish an advisory committee consisting of interested citizens of the township. It also repeals the provision that requires the Plan Commission to conduct a hearing upon request of the township when amending the zoning map for the township.

These provisions of this bill would have an indeterminate fiscal impact on the Metropolitan Development Commission. The decrease in expenditures, resulting from eliminating two members from the Commission and the requirements for advisory committees and public hearings for townships, would be dependent on:

- Minimal administrative costs for its members;
- Costs for staff, mailings, and newsletters for advisory committees and public hearings; and
- Costs for court recorders, public notifications, and video recordings for public hearings.

*Other Plan Commissions-* This bill provides that five citizens of the township may serve on certain plan commissions if there is no township trustee as a member. This provision applies to a plan commission that operates under a joinder agreement, is located in a county having a population between 108,000 and 108,950, and contains a township having a population between 9,000 and 10,000, or 8,440 and 8,500. As this provision does not change the number of members for this type of commission, it has no fiscal impact.

### **Explanation of Local Revenues:**

### **State Agencies Affected:**

**Local Agencies Affected:** Trial courts; County Sheriff Offices, Department of Metropolitan Development, Indianapolis.

**Information Sources:** Indiana Sheriffs Association; Andrew Swenson, Department of Metropolitan Development, Division of Planning, 327-5132.